REMARKS/ARGUMENTS

Introduction

In the Office Action dated April 22, 2004, the Examiner withdrew the rejections of claims 1-18 based on 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application 2003/0088876 ("*Mao*").

The Office Action objected to claims 3-4 and 18 based on various informalities, which Applicant has amended the claims to traverse the objections.

The Office Action allowed claims 5-6, 8, and 13-14 if rewritten in independent form, including all of the limitations of the base claims and any intervening claims.

The Office Action also rejected claims 1-4, 9-12, and 15-18 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,128,650 ("*De Vos*") in light of U.S. Patent No. 5,745,837 ("*Fuhrman*"). Applicant has amended independent claims 1, 7, 15, 18 as discussed below to recite limitations that are not disclosed or suggested by *De Vos* alone, or in combination with *Fuhrman*, such that the independent claims are patentable over the combination of the two references. For example, claim 7 has been amended to recite limitations found in claim 13 (which was deemed allowable if rewritten) and claim 13 has been cancelled.

Applicant submits that the independent claims as amended are allowable, and all dependent claims are allowable as a matter of law.

DISCUSSION

In order to better distinguish the present invention from the cited references, it is appropriate to briefly review the operation of *De Vos*. Referencing Figure 1 and the associated sections of text of *De Vos*, the operation of *De Vos* can be summarized as follows.

In *De Vos* the navigation devices **30** in the network provide the set top box **40** with a menu of selectable video services, by using menu options (col. 13, lines 48-52.; col. 3, lines 55-60.) A user interacting with the set top box selects a particular menu item to indicate the desired program, or the user can enter data corresponding to the desired program. The result is that identification data corresponding to a particular program is supplied to the system manager **60**. (Col. 5, lines 30-35.) Specifically, as noted by the text of *de Vos* at column 13, lines 63-66, the

identification data is supplied by the set top box to the service item provider **64** that is within the system manager.

The above indicates that the set top box transmits the identification data identifying a selected program to the system manager, specifically the service item provider (SIP). However, the question is: how does the set top box know where the SIP is located? In other words, how does the set top box know what is the SIP's address? The answer is that "if the end device 40 (STB-2) requests a selected movie by calling the identification number 678901 corresponding to the movie and provided from one of the navigation devices 30 at time 0:09, one of the service item providers 64 (SIP-1) is designated by the identification number." (Col. 8, lines 24-29, emphasis added.)

In other words, when the user of the set top box selects a movie, the movie identification data determines the appropriate SIP in the network that receives the request. As indicated in Figure 1 and the text, there may be several SIPs, and the user's movie selection is sent directly from the set top box to the appropriate SIP. The SIP then processes the movie identification number. The SIP does not forward the request to another entity for processing. Further, the SIP examines the request for the indicated movie – not a particular service. For example, if the service comprises a combination of video streams in some manner, the *De Vos* reference does not disclose how the service request is processed or how multiple video streams of a single server are identified.

In the present invention, the set top box transmits a service request that is received by the session gateway (item **160** in Figure 1 of the present invention) and it is the session gateway which then examines routing information to determine which service gateway **155** is to handle the service request. The routing data does not identify the service requested to the session gateway, but indicates which service gateway can process the service request. Unlike *De Vos* where the request contains a movie identifier provided from the set top box, in the present invention the request contains a service identifier which can be associated with multiple video streams. In the present invention, the request also contains routing information for identifying the process that is able to process the service request.

Thus, one way to distinguish the present invention from the prior art *De Vos* is that routing data, in addition to an indication of a service (not just a movie indication), is sent from the set-top box to the network. Furthermore, in the present invention, the process in the cable network receiving the request examines the routing data to determine which service gateway can then act upon the service request. In *De Vos*, the address of the SIP acting upon the request some indicated or derived from the movie indicator. *De Vos* does not disclose the cable network receiving the request and routing the request (using routing information in the request) to a service gateway to determine the requested service.

Indeed, *De Vos* appears to fall within the description of the prior art described in the present invention. For example, in *De Vos*, in order for the set-top-box to function properly, "[e]ach set of communication operations is preceded by transmission of a control software program dedicated to such set of operation to a receiving and/or transmitting component, so that the receiving and/or transmitting component can optimally handle the incoming and/or outgoing communication following this down-load of said control software program." (Col. 4, lines 4-9.) As stated in the present disclosure describing the prior art, "[t]herefore, if a new session manager is implement in a server at the headend, a new session manager is required in the STB 15 (set-top box). This requires the programming and downloading of software to the STB 15 each time a new service is generated." (Page 8, lines 20-24.)

The independent claims 1, 7, 15, and 18 have been amended to recite that the set top box, in conjunction with user input, generates a request that includes routing information that is sent to the cable network, and that the request is received by a session gateway that examines the routing information in order to identify the appropriate service gateway to process the service request. Because some of the limitations recited in claim 13 (which were deemed allowed if rewritten into independent form) are now incorporated into claim 7, claim 13 has been cancelled. Similar limitations are added to the other independent claims, which the Applicant submits, distinguishes the independent claims for the cited references.

CONCLUSION

Applicant submits that the amendments to the independent claims now recite limitations that are not disclosed by *De Vos* by itself, or in conjunction with *Furhman*. Consequently, Applicant respectfully requests that the claims be placed in a condition for allowance.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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